

Report on the

Alabama

Board of Court Reporting

Montgomery, Alabama



Department of Examiners of Public Accounts

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July 11, 2007

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Dixon:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of **Alabama Board of Court Reporting** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Alabama Board of Court Reporting**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Ronald L. Jones
Chief Examiner

Examiner
Billie Alabi

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PROFILE

Purpose/Authority

The Alabama Board of Court Reporting was created by Act No. 2006-200 to establish and maintain a standard of competency for persons engaged in the practice of court reporting. The board prescribes the qualifications for, examines and licenses qualified persons to practice court reporting in Alabama. The board operates under authority of the *Code of Alabama 1975*, Sections 34-8B-1 through 34-8B-18.

The board held its inaugural organization meeting in January, 2007. As of the writing of this report, the board has adopted and certified its administrative rules to the Administrative Division of the Legislative Reference Service as required by law. However, no licenses have been issued.

Board Characteristics

Members	7 <i>Code of Alabama 1975</i> , Section 34-8B-4 (b)
Term	4 years. Not more than 2 consecutive terms. Members continue to serve until a successor is appointed. <i>Code of Alabama 1975</i> , Section 34-8B-4 (e)(f)
Selection	(3) members appointed by the Governor. (1) member appointed by the Lieutenant Governor, (1) member appointed by the President Pro Tempore of the Senate, (1) member appointed by the Speaker of the House of Representatives, (1) member appointed by the Chief Justice of the Alabama Supreme Court The following groups provide three nominees for each appointment by the appropriate appointing authority: <ul style="list-style-type: none">• The Alabama Court Reporters Association (ACRA),• The National Court Reporters Association (NCRA),• The National Verbatim Reporters Association (NVRA),• The Alabama State Bar, and• Alabama Judicial Conference. <i>Code of Alabama 1975</i> , Section 34-8B-4 (c)

Qualifications	<p>The board must include:</p> <ul style="list-style-type: none"> • Two court reporters certified at a professional level by NCRA or NVRA, and who are employed in official capacities • Two court reporters certified at a professional level by NCRA or NVRA, and who are employed in a freelance setting. • Two members in good standing with the Alabama State Bar Association. • One member in good standing with the Alabama Judicial Conference. <p><i>Code of Alabama 1975</i>, Section 34-8B-4 (c)</p> <ul style="list-style-type: none"> • All members of the board must be citizens of the United States and of Alabama <p><i>Code of Alabama 1975</i>, Section 34-8B-4 (d)</p>
Racial Representation	<p>No specific requirement. One minority race member serving.</p>
Geographical Representation	<p>No specific requirement.</p>
Consumer Representation	<p>No specific requirement.</p>
Other Representation	<p>The <i>Code of Alabama 1975</i>, Section 34-8B-4 (g) requires that the membership of the board must be inclusive and must reflect the racial, gender, geographic, urban/rural and economic diversity of the state.</p> <p>Statute further requires that the board shall annually report to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.</p>
Compensation	<p>No specific compensation set by statute. Per diem and travel expense reimbursement the same as paid to state employees. <i>Code of Alabama 1975</i>, Section 34-8B-4 (j)</p>

Operations

Administrator	Paula McCaleb, Executive Director. No contract. No compensation at this time.
Location	7550 Halcyon Summit Drive Suite 125 Montgomery, AL 36117
Licenses	No licenses have issued as of May 25, 2007.
Licensee Qualification	<p>A. By Examination:</p> <ul style="list-style-type: none">(1) Graduation from an accredited high school or its equivalent;(2) Successful completion of the Licensure Examination;(3) Complete application and appropriate fees. <p><i>Code of Alabama 1975</i>, Section 34-8B-10</p> <p>B. By Credential:</p> <ul style="list-style-type: none">1. Licensed certified shorthand reporter member in good standing of the Alabama Court Reporters Association (ACRA) on June 1, 2006.2. Apply by June 1, 2007. <p><i>Code of Alabama 1975</i>, Section 34-8B-14(b)</p> <p>C. By Work Experience:</p> <ul style="list-style-type: none">1. Practicing court reporting on June 1, 20062. Affidavit of past education and work experience as a court reporter;3. Affidavit from a judge for whom he or she has worked as an official court reporter; or4. Three Affidavits from licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter;5. Payment of licensure fee. <p><i>Code of Alabama 1975</i>, Section 34-8B-4 (a)</p>

Renewals	<p>All licenses expire annually on September 30.</p> <p>Statutes provide that, “The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. <i>Code of Alabama 1975</i>, Section 34-8B-13</p> <p>Renewals up to 60 days past renewal due date are allowed by the board. Board rule 257-X-3-.07</p> <p>Statutes also provide that, “A fee for the renewal of a license after the due date which shall be increased 20 percent for each month or fraction thereof that payment is delayed, unless the delay is caused by conditions resulting from additional requirements imposed by the board. Notwithstanding the foregoing, delinquency of more than six months shall result in revocation of licensure.” <i>Code of Alabama 1975</i>, Section 34-8B-17(5)</p>
Examinations	<p>Applicants for licensure must pass:</p> <ol style="list-style-type: none"> 1. The Written Knowledge Examination administered by NCRA and the Alabama Skills Examination, or 2. The NCRA Registered Professional Reporter Examination, or 3. The NVRA CVR Examination. <p><i>Code of Alabama 1975</i>, Section 34-8B-10</p> <p>Note: the enabling statute provides that the preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA (Alabama Court Reporters Association) to conduct the examination under the supervision of the board. As of this review, the board is in discussion with ACRA for the development and administration of the examination.</p>
Continuing Education	<p>15 hours every 36 months for Active Status Licensees Renewal Board Rule 257-X-6-.01</p> <p>15 hours in the preceding 12 months for Inactive licensees seeking restoration. Board Rule 257-X-2-.06</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-13</p>

Employees	None.
Legal Counsel	Bettie Carmack, Assistant Attorney General
Subpoena Power	None.
Internet Presence	<p>The board hosts a website at www.abcr.alabama.gov. The following information is available at the website:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Board staff and contact information <input type="checkbox"/> Administrative rules and forms <input type="checkbox"/> Enabling legislation <input type="checkbox"/> Board member list, <input type="checkbox"/> Board calendar.

Financial Information

Source of Funds	Licensing fees.
State Treasury	Yes, Fund not in use as of 5/25/2007 <i>Code of Alabama 1975</i> , Section 34-8B-12
Unused Funds	Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to the board to provide for the education and training of court reporters.

SIGNIFICANT ITEMS

1. The statutory deadline for licensure was not met and is not operable – Section 34-8B-4 of the *Code of Alabama 1975* requires that the board shall be operative within 60 days of June 1, 2006, with administrative support to be provided by the Alabama Court Reporters Association (ACRA). The *Code of Alabama 1975*, Section 34-8B-8 makes it a Class C misdemeanor for any person to practice court reporting after January 1, 2007, without having first procured a license from the board. However, the terms of the board members, by law did not begin until January 1, 2007, and its administrative rules for operation did not become effective until May 24, 2007. As of June 11, 2007 no licenses had been issued. Although ACRA members were informed of the court reporter licensing law, as of June 7, 2007 no effort had been made to notify non-ACRA court reporters. Consequently, there is no workable deadline after which practice without a license is an offense.

The executive director stated that the board has asked the State Bar Association to post notice of the licensing law in its newsletters and will advertise the licensing law in newspapers in Montgomery, Mobile, Birmingham, Gadsden, Tuscaloosa, and Huntsville as soon as the board is able to pay the invoiced amounts. The board had no startup funds and recently borrowed \$20,000 from the state's Departmental Emergency Fund.

2. The court reporter licensing law holds the board responsible for the unlawful actions of its licensees –The *Code of Alabama 1975*, Section 34-8B-9 provides that, "(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of the conduct of any licensee who violates this chapter or rules promulgated hereunder. (b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

3. Alabama Court Reporters Association (ACRA) members are subject to more stringent cutoff date requirements for licensure by grandfathering than are non-ACRA members – The *Code of Alabama 1975*, Section 34-8B-14 (a) provides an opportunity for grandfathering without examination for court reporters who were in practice on June 1, 2006, with no deadline stated for application to the board. However, the *Code of Alabama 1975*, Section 34-8B-14 (c), which provides grandfathering provisions for members of ACRA states that applicants must apply for certification within one year of June 1, 2006, to be granted a license without examination. Otherwise, ACRA members are required to take the certified court reporter examination in order to become certified.

4. Under statutory grandfathering provisions , applicants for temporary license face additional prerequisite qualifications not required of applicants for permanent license.

The *Code of Alabama 1975*, Section 34-8B-15 provides for temporary license of applicants who meet the following requirements:

- Engaged in court reporting in Alabama for less than one year on June 1, 2006.
- Graduation from high school or equivalent.
- Affidavits of three licensed attorneys, unrelated by blood or marriage

The *Code of Alabama 1975*, Section 34-8B-15 authorizes permanent license for applicants who meet the following requirements:

- Engaged in court reporting on June 1, 2006 (Alabama experience not required by statute)
- Provides proof of past education and work experience as a court reporter (No minimum level of experience or education is required by statute)
- Affidavit of a judge or three licensed attorneys unrelated by blood or marriage who have utilized the applicant's services and who will attest to the applicant's proficiency as a court reporter.

5. Statutes are not clear as to whether board members are due compensation for their services. No direct provision is made in the law for compensation of board members, but reference is made indirectly to compensation.

The *Code of Alabama 1975*, Section 34-8B-4(j) provides that, "Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient."

6. The issue of "gifting" is a matter of concern to the board. One board member described the issue as, "...freelance reporters/reporting companies are giving substantial contributions, gifts and inducements, sometimes in the form of reward points, and often in direct proportion to the invoice amount of the reporting bill in order to entice a secretary, paralegal, lawyer or law firm to send the reporter/reporting firm business.

Also, sometimes these reward points are requested in differing forms: certificates, personal bill payment, vacations, etc.

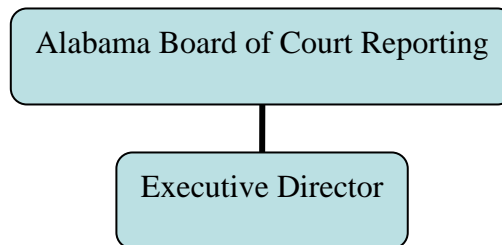
Our bill addresses the reporters and not the reporting firms. The Bar has chosen not to police itself in this matter. Therefore, if reporters only and not the firm owners were prohibited from gifting, small firms whose owners could not afford to only manage the firms and not report also could easily be put out of business.

Ideally, the issue would be better solved by the Bar establishing ethical guidelines to prohibit receipt of a gift over a certain amount per year.”

STATUS OF PRIOR FINDINGS

There are no prior findings. The board has not been in operation a sufficient time to have been previously examined.

ORGANIZATION



PERSONNEL

The board has no employees. Currently, Paula McCaleb of Leadership Alliance, LLC, provides administrative services for the board without compensation. Ms. McCaleb is presently not under contract with either the board or with the Alabama Court Reporters Association (ACRA). Ms. McCaleb stated that ACRA approached her in August 2006 to help set up the board and that ACRA paid her \$3,000.00 per month for four months. She has continued to provide administrative services for the board without pay.

At its April 2007 meeting, the board approved specifications for the services of an executive director to be submitted to the Department of Finance, Division of Purchasing in order to receive bids.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – There are as yet no licensees.

Number of Persons per Licensee in Alabama and Surrounding States
(presented to provide information relative to licensure in surrounding states)

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,599,030	(1)	
Florida	18,089,888	(2)	
Georgia	9,363,941	1,200	7,803
Mississippi	2,910,540	400	7,276
Tennessee	6,038,803	(2)	
* Source: U.S. Census July 2006 Estimate (1) None yet (2) State does not require licensure.			

Operating disbursements per licensee

The board has no licensees at the time of this review.

Notification to licensee of Board Decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Potential licenses are also notified of the board's intended actions through the profession's association (Alabama Court Reporters Association) newsletter and the board's Internet web site.

Complaint Handling

The board has not received any complaint as of the writing of this report. *Code of Alabama 1975*, Section 34-8B-6 requires that complaint be in writing, signed by the complainant and submitted to the board within 90 days of the occurrence of the conduct being complained about. Board's administrative rule 257-X-5-.04 describes the following complaint process:

Complaint Process

Initial Review	<p>The executive director determines merit and sufficiency of evidence to warrant formal proceedings.</p> <p>Within five days of receipt of a complaint the executive director provides a written notification of the complaint and the board's investigation process to the court reporter against whom the complaint was made</p> <p>The respondent has 15 days to respond and submit documentation to the board for consideration.</p> <p>The investigative committee notifies the complainant and the respondent of any action it takes upon conclusion of its review.</p>
Formal Hearings	<p>For contested cases, board rules provide for administrative hearings in accordance with the Alabama Administrative Procedure Act.</p>
Anonymous Complaints	<p>The board appears prohibited from entertaining anonymous complaints. Statute and board rule require complaint be in writing and signed by the complainant.</p>
Investigative Committee	<p>One member of the board, the executive director, and the Board counsel make up the investigative committee.</p>

SMART BUDGETING

The board has not existed a sufficient length of time to participate in the state's SMART Budgeting effort.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The National Court Reporters Association and the National Verbatim Reporters Association prepare, administer and own the board's required licensure examinations. The *Code of Alabama 1975*, Section 34-8B-10 provides that the preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA (Alabama Court Reporters Association) to conduct the examination under the supervision of the board. According to the executive director, the board was in negotiation with ACRA for the conduct of the examinations at the time of this report.

FINANCIAL INFORMATION

Schedule of Fees

Fee	Code of Alabama 1975	Amount Authorized	Amount Set	Administrative Code
License Fee	34-8B-5 (3) 34-8B-14	*TBDB	\$100	257-X-7
Application Fee	34-8B-17	TBDB	\$ 50	257-X-7
Renewal Fee	34-8B-12 34-8B-13	TBDB	\$100	257-X-7
Late Renewal Penalty	34-8B-13 34-8B-17	20% of License Fee each month	20% of License Fee each month	257-X-7
Temporary License Renewal Fee	34-8B-15 34-8B-17	TBDB	\$ 50	257-X-7
Re-Instatement Fee	34-8B-17	TBDB	\$300	257-X-7
Change of Name Or Address	Not Authorized	Amount not stated	Amount not stated	257-X-2-.01
Restoration of Inactive License	Not Authorized	Amount not stated	Amount not stated	257-X-2-.06

*TBDB – To be determined by the board

Schedule of Operating Receipts, Disbursements, and Balances

The board has no financial activity to report as of 5/25/2007.

Operating Receipts vs. Operating Disbursements (Chart)

The board has no financial activity to report as of 5/25/2007

QUESTIONNAIRES

Board Members

A questionnaire was sent to all six currently serving members of the board. Five responded as follows:

Question #1:

What are the most significant issues currently facing the board and how is the board addressing these issues?

- Board Member #1.* The Alabama Board of Court Reporting was organized earlier this year and we have drafted our Rules and Regulations and they have been distributed to all interested parties for review and comment. We will meet again in April to finalize this process.
- Board Member #2.* Initial licensure of court reporters.
- Board Member #3.* The most significant issues facing the Board are the initial application by court reporters for membership.
- Board Member #4.* The Board is newly created last year and has only held its initial meeting in January of '07. A second meeting is set for April 13, following a public hearing on proposed rules and regulations.
- Board Member #5.* The most significant issue currently facing the board is the initial licensure of court reporters in the state of Alabama in 2007. Efforts are under way to set that process in motion (i.e., development of application procedures, fee, etc.)

Question #2:

What changes to the board's laws are needed?

- Board Member #1.* We will have a better idea about needed changes after the April meeting.
- Board Member #2.* None.
- Board Member #3.* As of this date, I am unaware of any changes necessary to the board's laws.
- Board Member #4.* Still in adoption stage.
- Board Member #5.* No changes in the board's law are needed at this time.

Question #3:

Is the board adequately funded?

 3 Yes 2 No Unknown No Opinion

Board Member #2. [Yes] Anticipated fees are collected during the initial licensure phase.

Board Member #3. The Board appears adequately funded.

Board Member #5. The Board anticipates being adequately funded once fees are collected during the initial licensure phase, as provided under the board's enabling statute.

Question #4:

Is the board is adequately staffed?

 3 Yes No 1 Unknown 1 No Opinion

Question #5:

What is the purpose of your fiscal year end balance of unobligated funds?

Board Member #1. We have not received any funding to date so this question does not apply at this time.

Board Member #2. Continuation of the licensure program

Board Member #3. [No comment].

Board Member #4. N/A – There are no such funds to my knowledge.

Board Member #5. Any and all year end balance funds go to the continuation of the Certified Court Reporter Licensure Program.

APPENDICES

Court Reporters Licensing Law

CHAPTER 8B. COURT REPORTERS.

§ 34-8B-1. Legislative findings. *Current through End of 2006 Regular Session.*

The Legislature hereby finds and declares that it is the policy of the state to promote the skill, art, and practice of court reporting in order to assure that court reporters possess the necessary skills and qualifications and that a board be established to prescribe the qualifications of court reporters and to issue licenses to persons who demonstrate their ability and fitness for the licenses. This chapter is intended to establish and maintain a standard of competency for individuals engaged in the practice of court reporting and for the protection of the public, in general, and for the litigants whose rights to personal freedom and property are affected by the competency of court reporters. The examination, licensing, and supervision of the conduct and proficiency of court reporters are integrally related to the effective, impartial, and prompt operation of the judicial system of the State of Alabama.

(Act 2006-200, § 1.)

§ 34-8B-2. Definitions. *Current through End of 2006 Regular Session.*

As used in this chapter, the following terms shall have the following meanings:

- (1) ACRA. The Alabama Court Reporters Association.
- (2) Board. The Alabama Board of Court Reporting.
- (3) Certified Court Reporter (C.C.R.). Any person licensed pursuant to this chapter to practice verbatim reporting.
- (4) Certified Shorthand Reporter (C.S.R.). A designation of certification given by the Alabama Court Reporters Association for its certified members.
- (5) Court reporter. Any person who is engaged in the practice of court reporting as a profession, including persons who actually report judicial proceedings in courts and persons who make verbatim records.
- (6) Court reporting. The making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or by any board, commission, or other body, or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record.
- (7) CVR. Certified Verbatim Reporter.
- (8) Fiscal year. October 1 through September 30.
- (9) Fund. The Alabama Board of Court Reporting Fund.
- (10) NCRA. The National Court Reporters Association.
- (11) NVRA. The National Verbatim Reporters Association.
- (12) RPR. Registered Professional Reporter.
- (13) Secretary. A person selected by the board to serve as secretary of the board.

(Act 2006-200, § 2.)

§ 34-8B-3. License required. *Current through End of 2006 Regular Session.*

No person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter.

(Act 2006-200, § 3.)

§ 34-8B-4. Alabama Board of Court Reporting -- Creation; composition; meetings; compensation. *Current through End of 2006 Regular Session.*

(a) There is created the Alabama Board of Court Reporting. The board shall be operative within 60 days of June 1, 2006. ACRA shall provide administrative support to the board until such time as the board employs sufficient employees to implement and administer this chapter.

(b) The board shall consist of seven members as follows:

(1) Four court reporters certified at a professional level by NCRA or NVRA, two of whom shall be employed in official capacities and two of whom shall be employed in a freelance setting.

(2) Two members in good standing with the Alabama State Bar Association.

(3) One member in good standing with the Alabama Judicial Conference.

(c) Appointments to the board shall be made as follows:

(1) The Governor shall appoint one official court reporter, one freelance court reporter, and one member of the Alabama State Bar Association. ACRA, NCRA, NVRA, and the Alabama State Bar Association shall respectively submit a list of three names for each appointment to the Governor for consideration.

(2) The Lieutenant Governor shall appoint one member of the Alabama State Bar Association from a list of three names submitted by the Alabama State Bar Association.

(3) The President Pro Tempore of the Senate shall appoint one member who is an official court reporter from a list of three names submitted by ACRA.

(4) The Speaker of the House of Representatives shall appoint one member who is a freelance court reporter from a list of three names submitted by ACRA.

(5) The Chief Justice of the Alabama Supreme Court shall appoint one member who is a member of the Alabama Judicial Conference from a list of three names submitted by the Alabama Judicial Conference.

(d) All members of the board shall be citizens of the United States and the State of Alabama. The lists of names shall be submitted by the designated organizations on or before June 1, 2006. The initial terms shall begin January 1, 2007, and all appointments shall be made prior to January 1 of every year.

(e) The initial members shall serve the following terms as designated by the Governor:

(1) Three members shall serve for two years.

(2) Two members shall serve for three years.

(3) Two members shall serve for four years.

(f) Subsequent terms of office shall be for four years. No member shall serve more than two consecutive terms. In the event of a vacancy, the appointing authority for the position shall fill the vacancy. Each member shall serve until his or her successor is duly appointed and qualified.

(g) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state. The board shall annually report to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.

(h) At its first meeting each calendar year, the board shall elect a chair, vice chair, and secretary from its membership. No member shall be elected to serve more than two consecutive years in the same office.

(i) After the initial appointments have been made, the board shall meet by January 2007, for the purpose of organizing and transacting business. Thereafter, the board shall meet not less than twice annually and as frequently as deemed necessary by the chair or a majority of the members. The board shall meet at such time and place as designated by the board. A quorum shall consist of four members.

(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient.

(Act 2006-200, § 4.)

§ 34-8B-5. Alabama Board of Court Reporting -- Duties. *Current through End of 2006 Regular Session.*

The board shall have all of the following duties and responsibilities:

(1) Act on matters concerning competency licensure only and the process of granting, suspending, reinstating, and revoking a license.

(2) Establish a procedure for the investigation of complaints against licensed court reporters and for the conduct of hearings in which complaints are heard.

(3) Set a fee schedule for granting licenses and renewals of licenses subject to the Alabama Administrative Procedure Act.

(4) Maintain a current register of licensed court reporters and a current register of temporarily licensed court reporters. Registers shall be matters of public record.

(5) Maintain a complete record of all proceedings of the board.

(6) Submit an annual report detailing the proceedings of the board to the Governor for the previous fiscal year and file a copy of the report with the Secretary of State.

(7) Adopt continuing education requirements no later than October 1, 2007. Requirements shall be implemented no later than January 1, 2008.

(8) Determine the content of and administer examinations to be given to applicants for licensure as certified court reporters and issue numbered licenses to applicants found qualified.

(9) Maintain records of its proceedings and a register of all persons licensed by the board which shall be a public record and open to inspection.

(Act 2006-200, § 5.)

§ 34-8B-6. Complaints; hearing; penalties; appeal. *Current through End of 2006 Regular Session.*

(a) All complaints shall be in writing, signed by the person making the complaint,

and addressed to the chair of the board. All complaints shall contain the name and address of the person against whom the complaint is brought and a description of the conduct giving rise to the complaint. Complaints shall be submitted within 90 days of such conduct and a copy shall be provided to the licensed court reporter within five business days of receipt by the board. The copy shall be sent by certified mail or by such other means of delivery to ensure that the licensed court reporter charged in the complaint shall receive actual notice. After investigation of the charges, the board shall conduct a hearing at which time it may dismiss the charges, may impose a fine not to exceed one thousand dollars (\$1,000), or may revoke or suspend the license of the licensee.

(b) The licensee may appeal a decision of the board imposing an administrative fine or revoking or suspending a license by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee. Any licensee whose application for licensure or for renewal of licensure was denied, or whose license was revoked, may reapply after 12 months have elapsed. The board may then reissue a license or rescind any disciplinary action if a majority of the members vote in favor of the action.

(Act 2006-200, § 6.)

§ 34-8B-7. Promulgation of rules. *Current through End of 2006 Regular Session.*

The board shall promulgate rules necessary to implement and administer this chapter. The rules shall be adopted pursuant to the Alabama Administrative Procedure Act. The rules shall be published in the standards of professional practice and made available to all licensees.

(Act 2006-200, § 7.)

§ 34-8B-8. Violations; penalties. *Current through End of 2006 Regular Session.*

After January 1, 2007, any person who undertakes or attempts to undertake the practice of court reporting for remuneration without first having procured a license, or who knowingly presents or files false information with the board for the purpose of obtaining a license, or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed may not bring or maintain an action to recover fees for court reporting services that he or she performed in violation of this chapter. Whenever it appears to the board that any court reporter has violated this chapter, the board may, in its own name, petition the circuit court of the county in which the violation occurred to enjoin the violation.

(Act 2006-200, § 8.)

§ 34-8B-9. Recovery by board of damages; liability of board members. *Current through End of 2006 Regular Session.*

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of the conduct of any licensee who violates this chapter or rules promulgated hereunder.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

(Act 2006-200, § 9.)

§ 34-8B-10. Examinations and testing; unauthorized use of license number.

Current through End of 2006 Regular Session.

(a) To be licensed as a court reporter, an applicant must pass the Written Knowledge Examination administered by NCRA and must pass an Alabama skills examination or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA CVR Examination. The board shall examine or establish, or both, examination and testing procedures to enable the board to ascertain the competency of applicants for licensure. Each such skills examination shall be given at least twice each calendar year. Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. An applicant who furnishes the board with satisfactory proof of graduation from an accredited high school or its equivalent shall, upon payment of a reasonable fee in an amount determined by the board, be examined by the board. All applicants who are found qualified to engage in the practice of court reporting pursuant to this chapter shall be issued a license as a certified court reporter and an identifying number. The license shall be valid until September 30th of the year of its issuance.

(b) No certified court reporter may authorize the use of his or her license number on any transcript not produced through his or her personal effort or supervision, or both. Violation of this subsection may be grounds for license suspension or revocation.

(c) The board shall hold at least two reporter examinations each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place of each examination at least 120 days prior to the date set for the examination. Any person desiring to take the examination shall file his or her application with the board at least 30 days prior to the date of the examination. The preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA to conduct the examination under the supervision of the board. Upon determining the results of the examination, the board shall notify each applicant as to whether the applicant has passed the examination. Notification shall be by written notice mailed to the applicant by certified mail to the applicant's address as indicated on the application.

(Act 2006-200, § 10.)

§ 34-8B-11. Reciprocity agreements; nonresident licenses; fees. *Current through End of 2006 Regular Session.*

(a) The board shall enter into reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA or NVRA, or both) if the board finds that the state, agency, or other entity has substantially the same or more stringent requirements than the board.

(b) The reciprocity agreement shall provide that the board shall license a person who is currently licensed, certified, or registered in another state or by another agency or other entity if that state, agency, or other entity agrees to license, certify, or register any licensees licensed pursuant to this chapter.

(c) Nonresident court reporters desiring to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Alabama or where appeal to any court of Alabama is allowable by law, shall make annual application for a nonresident license. The applicant shall make application on the same forms as required

of other applicants, shall pay a fee in an amount determined by the board, and shall present proof that the applicant is a competent licensed court reporter in another state. The board shall issue a nonresident license upon the finding that the applicant is a competent licensed court reporter in another state. The license shall be valid for a period not to exceed one year from the date of issuance. A nonresident court reporter shall reapply for licensure annually. An annual fee in an amount determined by the board shall be required.

(d) The board shall establish the fees appropriate in processing reciprocal licensing. (Act 2006-200, § 11.)

§ 34-8B-12. Licensing fees. *Current through End of 2006 Regular Session.*

The annual fees for licensure pursuant to this chapter shall be established by the board and shall cover a 12-month period beginning October 1 of each year. All fees collected by the board shall be paid into the State Treasury to the credit of the Board of Court Reporting Fund which is hereby created. Moneys in the fund shall be subject to withdrawal only upon warrant of the state Comptroller to be issued upon certification of the secretary. Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to the board to provide for the education and training of court reporters. At all times the board shall retain a sum not in excess of two hundred fifty thousand dollars (\$250,000), to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to this chapter and only in amounts as stipulated in the general appropriations bill or other appropriations bills. (Act 2006-200, § 12.)

§ 34-8B-13. Renewal of licenses. *Current through End of 2006 Regular Session.*

Each person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license. Licensees shall notify the board in writing of any change of address within 30 days of the change. (Act 2006-200, § 13.)

§ 34-8B-14. Licensing of current court reporters; certified shorthand reporters. *Current through End of 2006 Regular Session.*

(a) Any person who is engaged in the practice of court reporting on June 1, 2006, and who provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom he or she has worked as an official court reporter or three licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter, which attests to the court reporter's proficiency in court reporting, upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter.

(b) Any member in good standing of ACRA licensed as a certified shorthand reporter on June 1, 2006, upon payment of the licensure fee in an amount determined by the board, shall be automatically granted a license pursuant to this chapter and thereby may practice as a court reporter.

(c) Members of ACRA who hold the certified shorthand reporter certification and do not apply for certification within one year of June 1, 2006, shall be required to take the certified court reporter examination in order to become a certified court reporter.
(Act 2006-200, § 14.)

§ 34-8B-15. Temporary license. *Current through End of 2006 Regular Session.*

Any person who has engaged in the practice of court reporting in the State of Alabama for less than one year on June 1, 2006, and who provides to the board satisfactory proof of graduation from an accredited high school or its equivalent and the affidavits of three licensed attorneys, unrelated to the person by blood or marriage, who have utilized his or her services, and who attest to the person's proficiency in court reporting, shall, upon application to the board on forms approved by the board and payment of a fee in an amount determined by the board, be issued a temporary license to practice as a court reporter. This temporary license shall expire on the 60th day following the date upon which the next board-approved examination for licensure is given. No more than two additional temporary licenses shall be issued to any applicant who fails to pass the scheduled examination for licensure.
(Act 2006-200, § 15.)

§ 34-8B-16. Inactive status. *Current through End of 2006 Regular Session.*

The board shall establish an inactive status for persons who are not actively engaged in the practice of court reporting.
(Act 2006-200, § 16.)

§ 34-8B-17. Disposition of funds; collection of fees. *Current through End of 2006 Regular Session.*

All moneys collected pursuant to this chapter shall be deposited into the Board of Court Reporting Fund. All expenses incurred by the board in implementing and administering this chapter shall be paid out of the fund provided that the expenses of the board shall not be in excess of the moneys in the fund. The board may charge and collect the following fees which shall be deposited into the fund:

- (1) An application fee for any temporary or regular license.
- (2) An examination fee.
- (3) A renewal fee for any temporary or regular license.
- (4) A reinstatement fee for any application for reinstatement of a temporary or regular license which has been revoked or suspended.
- (5) A fee for the renewal of a license after the due date which shall be increased 20 percent for each month or fraction thereof that payment is delayed, unless the delay is caused by conditions resulting from additional requirements imposed by the board. Notwithstanding the foregoing, delinquency of more than six months shall result in revocation of licensure.

(Act 2006-200, § 17.)

§ 34-8B-18. Sunset provision.

Current through End of 2006 Regular Session.

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive. The board is subject to the provisions of the Alabama Sunset Law of 1981. The board shall automatically terminate on September 30, 2008, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished. (Act 2006-200, § 18.)

Board Members



Bob Riley
Governor

STATE OF ALABAMA Alabama Board of Court Reporting

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Members of the Alabama Board of Court Reporting March 20, 2007

Member	Address	Term Expires
Aubrey Ford, Jr. Chair Alabama Judicial Conference	PO Box 830703 Tuskegee, AL 36083-0703	January 2011
Suzanne B. Frazier, Official Court Reporter	801 N. Richard Arrington Jr. Blvd. Room 606 Criminal Justice Center Birmingham, AL 35203	January 2009
Joseph A. Fawal Alabama State Bar Association	1330 31st Way South, Ste. 200 Birmingham, AL 35205	January 2009
Laura H. Nichols Freelance Court Reporter	2594 Inverness Point Drive Birmingham, AL 35242	January 2010
Sydney F. Frazier, Jr. Alabama State Bar Association	2001 Park Place North, Suite 700 Birmingham, AL 35203-4804	January 2010
Shannon R. Ball Official Court Reporter	P.O. Box 753 Scottsboro, AL 35758	January 2009


Paula Scout McCaleb
Executive Director

Agency Response to Significant Items



Bob Riley
Governor

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Alabama Board of Court Reporting

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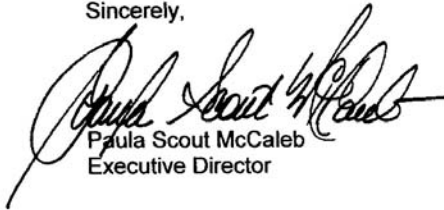
June 25, 2007

Mr. John E. Norris
Director, Operational Division
Department of Examiners of Public Accounts
50 North Ripley Street, Room 3201
Montgomery, Alabama 36104-3833

Dear Mr. Norris:

Attached is a response to the list of items for publication to the Sunset Review Committee on the results of the Board of Court Reporting Audit as requested. Please don't hesitate to contact me if any additional information is required. Thank you.

Sincerely,



Paula Scout McCaleb
Executive Director

**RESPONSE TO SIGNIFICANT ITEMS OF THE
ALABAMA BOARD OF COURT REPORTING'S 2007 SUNSET REVIEW**

- 1. The statutory deadline for licensure was not met and is not operable.**
RESPONSE: This matter was an error in the enabling statute and will not be a recurring issue. Specifically, the dates of August 1, 2006 for the Board to be operable and January 1, 2007 for licensure requirement was an impossibility due to the following: 1. Board Member terms were not effective until January 1, 2007; 2. It takes a minimum of 35 days to establish rules and regulations and without such the Board could not accept or act on applications for licensure. 3. These dates did not give adequate time for publishing notices for licensure as most grandfathering provisions (which is customarily a year).
- 2. The court reporter licensing law holds the Board responsible for the unlawful actions of its licensees.**
RESPONSE: The interpretation of the current statute was not the intent and therefore, will need to be amended in future legislation for the Board.
- 3. Alabama Court Reporters Association (ACRA) members are subject to more stringent cutoff date requirements for licensure by grandfathering than are non-ACRA members.**
RESPONSE: This language was obviously an oversight in the drafting of the enabling statute. However, ACRA Members may apply for grandfathering through work experience if they missed the deadline for grandfathering by credentials.
- 4. Under statutory grandfathering provisions, applicants for temporary license face additional prerequisite qualifications not required of applicants for permanent license.**
RESPONSE: This was a flaw in the enabling statute and will need to be amended in future legislation of the Board.
- 5. Statutes are not clear as to whether Board members are due compensation for their services.**
RESPONSE: Although the word, "compensation" is in this code section, the intent and reality is that Board Members would receive per diem and mileage only. This can be remedied in future housekeeping legislation of the Board.
- 6. The issue of "gifting" is a matter of concern to the Board.**
RESPONSE: True, the Alabama Board of Court Reporting (ABCR) is concerned about the issue of gifting. After much consideration, the ABCR has concluded that the regulation of this practice is a matter for the State Bar, and have therefore brought the practice of gifting to their attention for the enforcement of their ethical guidelines. The ABCR will continue to research this area as we further determine our possible role in the regulation of gifting in Alabama.